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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,000	04/28/2000	Youji Kohda	1405.1022/JDH	3231

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/560,000

**Applicant(s)**

KOHDA ET AL.

**Examiner**

Stephen M. D'Agosta

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 3 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. ***Claim 3 is identical to claim 2 and both refer back to claim 1.***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2 and 4-6** rejected under 35 U.S.C. 103(a) as being unpatentable over Sandegren US 6,512,930 further in view of Gutfreund et al. US 6,192,394 (hereafter Sandegren and Gutfreund).

As per **claim 1**, Sandegren teaches an online notification method/system (title) that provides status notification to users within the system (abstract – first sentence), the method comprising steps of:

a first information terminal determining, from status of the first information terminal, status of a user using the information terminal, and directly transmitting the user status through an electronic information transmission medium to a mobile terminal (abstract and C3, L45-55)

the mobile terminal determining whether received user status is a user's user status retained in advance in the mobile terminal, and based on results of the determination to real-time transmitting from the mobile terminal the user status via a network to a designated second information terminal (abstract and C3, L55-55-60); and

outputting received user status on the second information terminal (abstract and C3, L64-66).

**But is silent on** an arbitrary user.

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users, to provide means for the user to gather status from other users within the network (other than those in his/her list).

As per **claim 2**, Sandegren teaches claim 1 wherein the electronic transmission medium is an electronic communications channel (title teaches "wireless" which is an RF electronic communications channel AND figure 2a shows both wireless and wired communications links being used, #209 and #211/#215).

As per **claim 4**, Sandegren teaches a status notification system comprising:  
generating devices provided in first information terminals; transmitting devices provided in mobile terminals on a mobile communications network; and receiving devices provided in second information terminals wherein the mobile terminals and the second information terminals are equipped with communications units connected via a network for real-time communications (abstract and figure 2c shows different Mobile Terminals in the network);

said generating devices determine users and users' status from status of the first information terminals, and said generating devices being connectable directly with said transmitting devices through an electronic information transmission medium send the users and users' status to one of said transmitting devices (abstract and C1, L65-67 to C2, L1-41 and C3, L45-66);

said transmitting devices, being connectable directly with said generating devices through an electronic information transmission medium, receive the users and the users' status from one of said generating devices, determine whether the users are users coordinated in the mobile terminals, and based on the determination utilize the communication units to transmit received users' status to predetermined receiving devices (C3, L45-66); and

said receiving devices utilize the communication units to receive the users' status from said transmitting devices and output received users' status (C3, L45-66).

**But is silent on** an arbitrary user.

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users, to provide means for the user to gather status from other users within the network (other than those in his/her list).

As per **claim 5**, Sandegren teaches claim 4, wherein

said generating devices based on status of the first information terminals prepare status lists (figures 1b and 1c shows lists from each user's point of view) wherein status items for becoming users' status are described, from the status list designate any of the status items as the users' status, and send the prepared status list and the designated a users' status to said transmitting devices (C3, L16);

said transmitting devices send the users' status as well as the status lists to said receiving devices (C3, L45-66); and

said receiving devices receive and output the users' status as well as the status lists (C3, L45-66).

Art Unit: 2684

As per **claim 6**, Sandegren teaches a generating device provided in an information terminal for running a predetermined application, comprising:

identification means for obtaining from the application identification information for designating users;

decision means for determining status of users based on status of the application; and

transmitting means connectable directly with external mobile terminals through an electronic information transmission medium, for transmitting the user identification information and the user status to mobile terminals (Abstract, figures 1a thru 3e, C1, L65-67 to C2, L1-41 and C3, L45-66).

**But is silent on** an arbitrary user.

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users, to provide means for the user to gather status from other users within the network (other than those in his/her list).

**Claims 7-13** rejected under 35 U.S.C. 103(a) as being unpatentable over Sandegren/Gutfreund further in view of Daly et al US 6,393,014 (hereafter Daly).

As per **claims 7-13**, Sandegren teaches a transmitting device for operating mobile terminals retaining user identification information, said transmitting device comprising:

authorization means for authorizing users based on the received identification information and the retained identification information (HLR/WOLN database can provide authorization means, C7, L34-47) and

transmitting means for utilizing a communication device to transmit the received user status to predetermined other communication devices based on the authorization results (figure 2a shows wireless and wired transmitting means).

**But is silent on** communicating with external information terminals and receiving means connectable directly to external information terminals through an electronic information transmission medium, for receiving the user identification information and user status from arbitrary information terminals.

**With further regard to claim 8**, Sandegren teaches holding means (eg. storing) as shown in figure 3d, #335 (ref. "updates his list" which implies storage in the phone). Also reference Abstract, figures 1a thru 3e, C1, L65-67 to C2, L1-41 and C3, L45-66.

**With further regard to claims 10 and 11**, Sandegren teaches various tasks/steps that are performed (eg. by software program on the mobile and within the network) for operation of the described system/invention (C3, L40-67 to C4, L1-23)

Daly teaches the ability to convey data between a cellular phone and a data network/server which is well known in the art (title, abstract and figures 1b, 2 and 4).

The applicant cites in their specification the ICQ notification system/device (Mirabilis, Ltd.) that allows a user to find out who are the other (arbitrary) users that are connected to the Internet (pg. 2, L1-15). **Gutfreund** teaches collaborative software that allows a user of the application to request a list of all (arbitrary) users known to the collaboration software (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Sandegren, such that status can be determined from arbitrary users via a data network, to provide means for the user to gather status from other users within ANY wired/wireless network (other than those in his/her list).

**Conclusion**

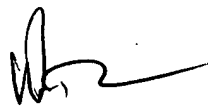
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. McPheters US 5,530,914 teaches determining when radio leaves talk group
2. Krebs US 5,850,611 teaches a dispatch system.
3. Beyda et al. US 5,889,839 teaches automated message notification.
4. Grube et al. US 5,758,291 teaches automated scan list revision.

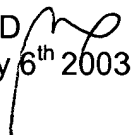
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

SMD   
May 6<sup>th</sup> 2003